

GODDARD IS A WITNESS AT BOISE

Colorado Judge Whom Orchard Tried to Slay Tells of Digging Bomb Out of Front Yard of His Home.

Long Debate Over Admission of Anarchistic Articles From Miners' Magazine Ends in Judge Reserving Opinion.

BOISE, Idaho, June 19.—The trial of William Haywood was resumed at 9:30 a. m. Senator Borah commenced the day's proceedings by offering and specifically naming articles in various numbers of the Miners' Magazine, which he offered in evidence. To the introduction of each exhibit the defense made a general objection, and stated that they would present specific objection to each. The general objection was that the evidence failed to connect the defendant with the murder of Stuenkel. E. F. Richardson presented the argument for the defense against the admission of the magazine articles as evidence. He maintained the articles offered by the state failed to show that the defendant had, through these articles, contributed anything that might lead to the murder of Stuenkel. He admitted that some of the articles were inhuman in tone, but were nothing more than "ordinary newspaper abuse." Mr. Richardson quoted from the record of the case of "Spies vs. People," and ruling as to the admission of newspaper articles. In the case of the Miners' Magazine, he said, the articles did not compare in tone with the evidence articles in the Spies case. Richardson read at length from the evidence in the Spies case, the letters from Herr Most to Spies and others, and the violent matter published at the time. Through out these letters and other matter, force, dynamite, murder and whole sale revolution are counseled. Richardson pointed out that these letters printed in an anarchist newspaper, published by the defendant, in the famous anarchist trials, resulted in conviction and execution.

Richardson in reading of the anarchist's revolutionary writing in the eighties created a sensation. He gave declamatory emphasis to the fearful advice looking to the whole sale destruction of all who stood on the side of law and order. It was a page from the criminal history of this country, and the majority of those present in court room, and the extremity of the language used by Johann Most in writing to Spies, and by the defendants themselves in their editorials, was startling.

The avowed purpose of Richardson's exhaustive quotation from these newspapers and other publications in the anarchist case, was to show the tawdry, abusive character of the evidence offered by the state in the Miners' Magazine. Continuing his argument, Richardson said that in none of the articles in the Miners' Magazine was there a direct or implied connection with the murder of Stuenkel. He admitted Haywood's prejudice against Stuenkel because of his race, and Idaho, but he pointed out that "tens of thousands and hundreds of thousands of people in this country condemned or approved the course adopted by Stuenkel, and that those who condemned should not be held responsible for the governor's murder."

Senator Borah argued for the state that the magazines should be admitted because they showed the enmity of the defendant toward the state, Haywood, and the other defendants were officers. He pointed out that the state did not offer the articles as evidence, relying on them to prove their charge of murder, but in order to help the jury in determining among all the circumstances what was the animus of the Western Federation of Miners, of which Haywood was secretary and treasurer, and the Miners' Magazine the official organ. Senator Borah, without quoting the articles, said that these articles did advocate force, and that they advised the members of the organization to arm themselves with rifles. He maintained that if the evidence of newspaper articles was admitted in the Spies case, the evidence of the articles in the Miners' Magazine should be admitted, because in both cases, and in the present case not less than in the case tried twenty years ago, animus was shown and violence was advocated.

Richardson closed the argument. He asserted that in no word contained in the Miners' Magazine was there an advocacy of force of arms, except in self-defense. The right was allowed to every citizen, and he forcefully argued that criticism of a political opponent could not be construed as evidence of murderous intent. Judge Wood asked for a schedule of exhibits, and said that he would take the question of admissibility of evidence under advisement, and would, if possible, render a decision at 2 o'clock. Court adjourned at 11 o'clock.

Judge Wood said that unless the state had more witnesses he would not continue the case until he had reached a decision, and that the important matter presented this morning, Senator Borah said that the remaining evidence depended largely

on the admission of the magazine articles.

When the trial was resumed at 2 o'clock Judge Wood announced that he was not ready to finally pass upon the admissibility of the various articles from the Miners' Magazine which the prosecution desired to place in evidence.

"I have had time to make but a hasty examination of the articles," said the presiding justice, "and while I have decided that some of them may be admitted and others must be rejected, there are some of which I am in doubt because of insufficiency of testimony handed me by counsel. I will not render a decision until I have a copy of the stenographer's minutes before me. I expect to have a decision ready by tomorrow morning."

To corroborate Orchard's testimony as to his becoming an agent of the Mutual Life Insurance Company, the prosecution introduced John L. Stearns, representing the company at Denver. Orchard said that he was advised by Haywood, Moyer and Gottlieb to engage in the life insurance solicitation as a blind to cover up his presence in Canyon City, while stalking Peabody. Stearns said that Orchard brought him letters of recommendation from George A. Pettibone, from Horace N. Hawkins, law partner of E. R. Richardson, now representing the defendant, from J. C. Sullivan, president of the state federation of labor, and from Henry Cohen. These letters, together with a carbon copy of a letter written by Stearns to Pettibone, were offered in evidence by the prosecution. The defense objected on the ground that the letters in no way connected Haywood with the death of Governor Stuenkel. Judge Wood overruled the objection, and Senator Borah read the letters to the jury. The letter from Hawkins was a high commendation of Orchard, the attorney declaring that Orchard, or "Thomas Hogan," as he was then known, was a man of integrity. The letter from J. C. Sullivan commended Orchard as "a man whose general character is good." Henry Cohen, the Denver attorney, wrote of Orchard: "His integrity is of the best and his habits good." Pettibone wrote to Stearns in reply to a letter from the latter asking as to Orchard's character. Pettibone wrote:

"In reply to yours of the 7th, I am acquainted with Hogan, and I am also becoming acquainted with you. If any of my agents apply to you for positions you would do me a favor, by showing them the quickest way to the office as I can use them very well myself."

In cross-examination Stearns said he took the letter as a joke, as several of Pettibone's agents had been given employment by him.

Mrs. Seward, of San Francisco, who conducted the cross-examination of Orchard, stopped when he was making his attempt on the life of Fred Bradley, the next witness. She told of knowing Orchard under the name of Earl Orchard, and that in his room, which was a lead and wood, and other evidences of the man's experiments in bomb making. Orchard said he experimented in the room to find whether the opening of the door would upset a bottle of saltpetre, and necessary to fire the bombs of his design. Mrs. Seward said she found a fish line running from a screw on the door to a cork of a small bottle. Witness said that Orchard left her house early on the morning of the explosion. Bradley's house. Witness once tried to move Orchard's grip, and found it very heavy.

Riley Harris, a young man who formerly worked for the plumber who made the lead case which Orchard transformed into the Peabody bomb, took the stand and said that he personally delivered the case to Orchard, collecting \$1.50 from him. The defense here received permission of the court to file the names of several witnesses, among them Justice Luther E. Goddard, of the Supreme Court of Colorado, and several officials of the Postal Telegraph Company.

Justice Goddard was then called to the stand to testify to the finding of a bomb in the case taken to the front gate of his home in Denver. The bomb in a pine box which had been introduced in evidence, was uncovered. Judge Goddard said that by General Wells, former adjutant general of the Colorado militia, the box was dug up in February, 1906, following Orchard's confession. Judge Goddard described the bomb in detail. He said the bomb was taken to the Pinkerton office in Denver. Justice Goddard told of the care taken to preserve the bomb intact. He identified the small acid bottle taken from the bomb, but for some reason failed to explode.

The proposed assassination of Justice Goddard had been planned precisely as the killing of former Governor Stuenkel was carried out, the string to upset the acid bottle being attached to the gate. The screw eye taken from the Goddard gate and sealed up in the presence of the justice was also identified by him. He opened the envelope himself.

Next Justice Goddard opened a large brown envelope, which contained twelve giant caps removed from the bomb. The caps, the justice said, were found just beneath the acid in the bomb. Over the objection of the defense, the caps were admitted in evidence. The bomb contained thirty-seven full sticks of "hand powder," as it is called in mining, is nothing more than dynamite. Hand powder is three-quarters of an inch in diameter, and made to fit holes driven by the hand drills. Goddard identified the covers of two sticks of powder removed from the bomb. They, too, were admitted in evidence.

Goddard was cross-examined by Darrow, of the defense, who devoted the inquiry to bringing out the fact that there was considerable feeling in Denver and throughout Colorado over the decision by the Supreme Court in the election case, Goddard said the bomb was sealed up as a whole in February, 1906, and left in the Pinkerton office until May, when it was taken into the suburbs and dismantled, all but three sticks of the dynamite being exploded. The red sealing wax with which the bomb was sealed was obtained at the Pinkerton

BASEBALL SCORES.

AMERICAN LEAGUE.			
At New York—	R. H. E.		
St. Louis.....	9 14 0		
New York.....	0 5 2		
Batteries—Pettit and McDowell; Hogg, Kison and Hickory.			
At Washington—	R. H. E.		
Washington.....	1 4 0		
Cleveland.....	1 3 1		
Batteries—Smith and Warner; Bernard and Wakefield.			
At Boston—	R. H. E.		
Chicago.....	8 12 1		
Boston.....	2 5 1		
Batteries—Walsh, Sullivan and Jacobs; Harris and Armbruster.			
At Philadelphia—	R. H. E.		
Philadelphia.....	1 10 2		
Batteries—Mullin, Siever, Schmitz, Dyett and Schreck.			
NATIONAL LEAGUE.			
At Chicago—	R. H. E.		
Chicago.....	5 9 0		
Boston.....	5 9 0		
Batteries—Peister and Kling; Flaherty and Needham.			
At Cincinnati—	R. H. E.		
Cincinnati.....	3 7 2		
New York.....	2 9 2		
Batteries—Weimer and McLean; Mathewson and Bowman.			
At St. Louis—	R. H. E.		
St. Louis.....	12 15 1		
Brooklyn.....	4 11 2		
Batteries—McGlynn, Karger and Noonan; Henley, Scanlon, Ritter and Berger.			
At Pittsburgh—	R. H. E.		
Pittsburgh.....	2 5 1		
Philadelphia.....	2 5 1		
Batteries—Willis, Philippi and Gibson; Pittinger and Dogin.			

KENTUCKY G. O. P. NOMINEE

Wilson of Louisville Will Head the State Ticket at Polls.

LOUISVILLE, June 19.—The Republicans of Kentucky, in state convention today, selected Augustus E. Wilson, of Louisville, as their candidate for governor, and adopted a platform without a dissenting vote. The contest between adherents of Fairbanks and Taft in the committee was warm, but there was no report naming a candidate, merely expressing a preference for a candidate who will faithfully carry out Roosevelt's policy. Augustus E. Wilson has been a resident of Louisville for many years, and is prominent in politics and at the bar. James W. Breathitt of Hopkinsville was nominated for Attorney General.

FEAR A FUEL FAMINE.

Strong Efforts to Make People Lay in Supply During the Summer.

WASHINGTON, June 19.—Strenuous measures have been adopted by the government and the railroads to avert a fuel famine in the west and northwest, which is thought to be impending next winter. Howard Elliott, president of the Northern Pacific, recently wrote Commissioner Lane suggesting the possibility of a famine that might exceed in seriousness the famine of last winter. He advised that every effort be made by the commission to induce consumers, including the government, to lay in a supply of coal during the summer months.

CAN'T AGREE ON FACTS.

Attorneys On Both Sides of Graft Cases Hold a Conference.

SAN FRANCISCO, June 19.—A conference was held this afternoon by the attorneys for the prosecution and those representing the United Railroads, the San Francisco Gas & Electric Company, and the Pacific Telephone and Telegraph Company, for the purpose of agreeing on a stipulation of facts which occurred at the time of the impalement of the grand jury. The statement drawn up by the prosecution was not acceptable to the defense, and the matter was continued until tomorrow.

INDICTMENTS DISMISSED.

Klaw & Erlanger Did Not Restrict Trade, Says the Court.

NEW YORK, June 19.—Indictments filed against Klaw and Erlanger charging them with conspiracy with other theatrical owners to maintain a monopoly, so as to exclude Lee Shubert and David Belasco from booking plays in certain theaters were dismissed today by Judge Rosanoff. The court found that plays are not articles of trade, as claimed. The court also declared that Belasco and Shubert had not been prevented from carrying on business.

BRYAN ADVISES TAFT.

OTTAWA, Kan., June 19.—Speaking today to 6,000 people at the Chautauqua assembly, William J. Bryan urged Secretary Taft, who will speak tomorrow, to endorse Roosevelt's stand on the income tax and the treatment of swollen fortunes.

100 GREEKS DROWNED.

ATHENS, Greece, June 19.—More than one hundred persons were drowned by a flood caused by the overflowing Lofos river, which inundated the town of Triskala, in Tessaly, yesterday.

AFTER PELAGIC SEALERS.

VICTORIA, B. C., June 19.—It is reported here that instructions have been received from Washington to the United States revenue fleet in Alaskan waters to scour the North Pacific in search of any British sealing schooners that may be found violating the law in that section.



Uncle Sam: "It almost makes me wish I'd never been born!" —Warren in Boston Herald.

RADICALS THROW OVER RIGHT OF CONTRACT

ITALIAN BUNCOED BOTH SIDES SAY OUT OF \$2000 BY PALS

CONVENTION PACKED

By Vote of 345 to 25 the Western Federation Orders Repudiation of All Labor Contracts of the Unions.

DENVER, June 19.—The convention of the Western Federation continued today the discussion of the amendment to the constitution prohibiting local unions from making labor contracts with operators. There was a bitter controversy between the conservatives, who opposed the amendment, and the radicals, who favored it. The amendment should prevail and become a part of the constitution, after a referendum vote, all these contracts could have to be rescinded, and much confusion would prevail. The discussion developed the resolution, introduced by Robert Randall of the Goldfield union. The resolution reads as follows:

EAT DOG MEAT, SAYS PROF. STARR, CHICAGO

CHICAGO, June 19.—"There is not a particle of difference between eating dog and eating mutton," said Prof. Starr of the University of Chicago, after a visit to the Igorrotes at an amusement park, with an expedition of forty of the girls and young men of the university.

"We shudder when the Igorrotes kill a canine and eat mutton," said Prof. Starr, "to a civilized man the dog is frequently closer than a human friend, and to a half-savage man his four-footed companion is almost another self."

"I have never sampled dog meat, but I have seen many faces of men eat it, and they all seem to consider it food. It's only a fad, this not eating dog meat."

STRIKERS CUT WIRES.

SAN FRANCISCO, June 19.—Four hundred telephones were put out of commission this morning by the cutting of the cables in South Market street. Ten of the striking linemen went back to work this morning, and as fifteen returned yesterday and twenty the day before, there are 124 out of the 187 who went on strike now at work for the company.

U. S. SURPRISES POWERS AT THE HAGUE

Reserves Right To Later On Bring Up Question of Limitation of Armament—Another Reservation is Made.

THE HAGUE, June 19.—The surprise of the second session of the peace conference this afternoon was the formal reservation by General Horace Porter, on behalf of the United States, of the right to present the question of the limitation of arms. Together with this he reserved the right to introduce the subject of collection of contractual debts by force.

Old, Old Tin Box Game Worked On Man in California Who Was About to Start for the Old Country.

OAKLAND, Cal., June 19.—Alexander Cortez, an Italian laborer, who arrived a week ago from McCloud, has been induced to put into a tin box, with a similar amount apparently deposited by two fellow countrymen, with whom he was to return to Italy. A valise supposed to contain the box was then turned over to Cortez, who was told to hurry to Sacramento where he was to meet him. When Cortez reached Port Costa, he needed some money, and opened the valise to find instead of \$4,000 gold there was only a quantity of old iron.

TEA GARDENS MUST GO.

Labor Unions Threaten to Cripple Their Own City Unless Humored.

SAN JOSE, Calif., June 19.—The labor organizations of the city threaten to vote against the proposition to bond the city for \$175,000 to improve the fire department and Alhambra Park, unless the Japanese tea garden in the park is removed. A committee from the Federated Trades and Building Trades' Council and the Japanese Exclusion League met with the Park Commissioners this morning and delivered the ultimatum that the tea garden must go. The Commissioners took the matter under advisement.

DOZEN MURT IN WRECK.

PIKESEA, Calif., June 19.—As the train on the Klamath Lake Railroad was descending a steep grade at Thrall today the engineer lost control of the reverse lever, and a bad wreck resulted. There were many persons in the passenger coaches. A dozen passengers were injured. The engine ran into the Southern Pacific track and a coach was thrown on one side of the road.

SILVER MARKET.

NEW YORK, June 19.—For silver, 67 3/8c. Mexican dollars, 52 1/2c.

ALLEGED BIG SHIPPING TRUST

Federal Authorities to Begin Probe of Charges Made That Foreign Steamships Are In League with Railroads.

Charged That All Goods for Export Are Pooled and Divided, and a monopoly Thus Maintained on Ocean.

WASHINGTON, D. C., June 19.—The Interstate Commerce Commission today decided to institute an investigation into the affairs of the Hamburg-American Packet Company, which is charged by Peter Wright & Sons, general agents at Philadelphia of the Cosmopolitan Shipping Company with maintaining monopolies in restraint of trade. The inquiry is expected to be one of the most stupendous ever undertaken, and of a character different from any ever before the commission.

The inquiry will deal with the alleged combination between the railroads in the United States and the German shipping concern, and therefore interests every American producer, manufacturer or shipper aspiring to introduce goods to foreign consumers.

According to the complaint the Hamburg-American Company has built a complete monopoly of east bound traffic originating in Chicago, St. Louis, Kansas City, Omaha, Minneapolis, Duluth, Cleveland and other manufacturing centers, intended for the interior ports or places on the continent of Europe. The complaint reviews what it claims to be unfair methods in stifling competition. The Cosmopolitan Company of Philadelphia, figures as the complainant, and operates lines to Rotterdam, Leith and Copenhagen. The charges allege that an ironclad trust in trans-Atlantic freight carrying exists between the Hamburg-American Packet Company, the North German Lloyd, Scandinavian and American and the Wilson line, and that this trust apportioned its volume of traffic that the members shall carry, and from what port or ports each line shall make sailings, thus involving an apportionment of traffic originating in western cities.

The complaining company raises an international question. The allegation is made that foreign corporations, backed by the German government, dictates the terms, routes and rates to shippers all over the United States who forward goods to the Baltic ports and uses unlawful method to crush competition. The statement says the Cosmopolitan freight service has no desire to suppress legitimate competition and adds:

"Therefore we do not seek to have ameliorated any conditions which fair competition may impose. We do believe, however, that pooling, combinations and intimidation, the latter in certain instances approaching blackmail, even under the semblance of competition, are not legitimate forms of competition."

Charges are made, as follows: "That the effect of differentials which place American ports on equality are nullified by the pool and arbitrary division of traffic; that acts complained of are in violation of the laws of the United States; that efforts to rehabilitate the American merchant marine are hampered and rendered abortive by the monopoly; finally, that there is little use in efforts for the benefit of American shipping if at the same time we allow present laws to be violated by unscrupulous foreign corporations in an effort to suppress American competition on land and sea."

In connection with the complaint the Cosmopolitan line submitted copies of the combine's rebate form of contracts and alleged that these show that shippers are bribed and squeezed to compel them to submit to the monopoly. It is charged that the Hamburg-American Company's monopoly benefits with the state-owned railroad of Germany, which gives the corporation rebates; that the company forces all European shippers to sign an ironclad contract providing for liberal rebates in return for exclusive shipments by its lines. It is further alleged that the merchant who ships one consignment by an independent line can not ship by any line in the combination. The complaint on which the Interstate Commerce Commission has acted alleges that when the Cosmopolitan established its Philadelphia-Copenhagen service last year the "combine" demanded its withdrawal. The Cosmopolitan refused, and it is declared an attempt was then made to drive the line from the field, and because of this attempt the appeal is made to the Commission for an investigation.

LOGAN & BRYAN ON WHEAT.

(Special Wire to Ducey & Overlock.) CHICAGO, June 19.—The early break in wheat was about half from the closing prices of yesterday. That was the end of a bear operation for the day. The news from all quarters was uniformly bullish. Damage to the spring wheat crop from the green bug in great numbers in fields of South Dakota is reported, but the experiences of the south-east, in anticipation of a very dry season, have caused a feeling of bullishness enough to justify buying on breaks like those which occur nearly day after the opening.

NITRO GLYCERINE FOUND UNDER BUILDING

Eight Ounces of Deadly Explosive, All Ready to Set Off, Discovered Under Building in San Francisco.

SAN FRANCISCO, June 19.—Eight ounces of nitro glycerine was found concealed, all ready to be exploded, beneath the temporary blacksmith shop in the Newman and Stevenson building, now under construction at Geary and Stockton streets. Detectives think it was placed in the building by discharged employees.